

REMARKS

In the Final Office Action, the Examiner rejected claims 31-43, 46, and 49 under 35 U.S.C. § 101 based on the assertion that the claimed invention is directed to non-statutory subject matter; rejected claims 1-13, 17-18, 20-26, 31-43, and 47-53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,795,543 to Cartier et al. (“Cartier”) in view of U.S. Patent Publication No. 2001/0043586 of Miloslavsky (“Miloslavsky”) and further in view of U.S. Patent No. 5,537,470 to Lee (“Lee”); rejected claims 16, 29-30, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Cartier and Lee and further in view of U.S. Patent Publication No. 2002/0076031 of Falcon et al. (“Falcon”); and rejected claims 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Cartier in view of Lee and further in view of U.S. Patent No. 4,839,916 to Fields et al. (“Fields”) and/or U.S. Patent No. 5,838,767 to Aoyama (“Aoyama”).

By this Amendment, Applicants propose to amend claims 31-43, 46, and 49. Claims 1-13, 16-18, 20-43, and 46-53 are currently pending. Based on the amendment and the following remarks, Applicants respectfully traverse the rejections of the pending claims.

A. Rejections of Claims 31-43, 46, and 49 Under 35 U.S.C. § 101

The Examiner asserted that claims 31-43, 46, and 49 are directed to non-statutory subject matter because page 15 of the specification defines the computer readable medium to comprise “a carrier wave from the Internet or other propagation medium.” Applicants respectfully disagree with the Examiner’s interpretation of the specification. In an effort to advance prosecution, however, Applicants propose to

amend claims 31-43, 46, and 49 to recite “a computer program storage device,” which is statutory subject matter. Therefore, Applicants respectfully request that the Examiner withdraw the § 101 rejections of claims 31-43, 46, and 49.

B. Rejections of Claims 1-13, 17-18, 20-26, 31-43, and 47-53 Under 35 U.S.C. § 103(a)

1. Claims 1, 17, and 31

Applicants respectfully submit that no *prima facie* case of obviousness exists with respect to claim 1 for at least the reason that Cartier, Miloslavsky or Lee, either alone or in combination, fails to teach or suggest the combination of steps recited in claim 1.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, all the claim elements must be taught or suggested by the prior art. See M.P.E.P. § 2143.03 (8th ed., rev. 5, August 2006). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Each of these requirements must “be found in the prior art, not in Applicant’s discloser.” See M.P.E.P. § 2143 (8th ed., rev. 5, August 2006).

Claim 1 recites, among others, “requesting the calling party to select a first or second service, in response to the determination that the trigger number does not match the predetermined trigger number” and “requesting the calling party to select one of a plurality of related types of the first service in response to the determination that the trigger number matches the predetermined trigger number.” The Examiner asserted

that Cartier teaches both “requesting the calling party to select a first or second service (choose operator service or front end automation platform, Abstract, lines 2-3) and requesting the calling party to select one of a plurality of related types of first service (abstract, lines 5-9).” (Office Action, p.3.) The Examiner’s assertion is based on the Examiner’s interpretation that Cartier teaches or suggests two different types of requests to a calling party. Applicants respectfully disagree.

The Examiner interpreted a “request for operator service, to a front-end automation platform” as a request to a calling party to “choose operator service or front end automation platform.” (Office Action, p.3. citing Cartier, Abstract, lines 2-3.) Applicants respectfully disagree with the Examiner’s interpretation. A “request for operator service, to a front-end automation platform” is not a request to a calling party to “choose operator service or front end automation,” but rather a request made to a front-end automation platform for service operation. The automation platform, in response to this request, “provides an announcement, typically in the form of a menu identifying available services” to a caller so the caller can select one service operation. (Cartier, Abstract, lines 2-5.) “If the platform receives a signal from [the] caller selecting one of the services, the platform converts the call from an operator service call to a type of call associated with the selected service.” (Cartier, Abstract, lines 5-9.) Therefore, unlike the Examiner’s interpretation, Cartier teaches or suggests, at most, only one type of request to a calling party, which is providing an announcement, typically in the form of a menu identifying available services. Accordingly, Cartier cannot teach or suggest both “requesting the calling party to select a first or second service” and “requesting the calling party to select one of a plurality of related types of the first service.”

Moreover, Cartier teaches or suggests receiving a signal from a caller selecting one of the services, and then converting the call from an operator service call to a type of call associated with the selected service. As a result, Cartier fails to recognize the need for “requesting the calling party to select one of a plurality of related types of the first service.” Instead, Cartier’s system converts the call to a type of call associated with the selected service without requesting the calling party to select one of a plurality of related types of the first service.

Furthermore, even if Cartier may teach or suggest “requesting the calling party to select a first or second service,” as asserted by the Examiner, Cartier, alone or in combination with Miloslavsky and Lee, fails to teach or suggest “requesting the calling party to select a first or second service, in response to the determination that the trigger number does not match the predetermined trigger number.” The Examiner asserted that Lee teaches requesting the calling party to select a first or second service in response to a determination that the trigger number does not match the predetermined trigger number. (Office Action, p.4.) However, Lee teaches or suggests treating the caller as any other caller (routing the caller to any available agent) if a caller-agent mapping for an incoming caller is not found in the service provider database. (Lee, col. 5, line 59 - col. 6, line 3.) As a result, Lee’s system does not make a request to the calling party to select a first or second service (or even a first agent or second agent) in response to the determination that the trigger number does not match the predetermined trigger number. Instead, the call is routed to any available agent without requesting the caller for an action.

For the reasons set forth above, the references fail to support the rejection of claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 1 and allow the claim.

Independent claims 17 and 31 recite features that are similar to the features recited in claim 1. For the reasons set forth above with respect to the rejection of claim 1, the references also fail to support the rejections of claims 17 and 31. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 17 and 31 and allow the claims.

2. Claims 2-13, 18, 20-26, 32-43, and 47-53

Claims 2-13, 47, and 50-53 depend from claim 1; claims 18, 20-26, and 48 depend from claim 17; and claims 32-43 and 49 depend from claim 31. For the reasons set forth above, claims 1, 17, and 31 are distinguishable from the combination of Cartier, Miloslavsky, and Lee. Therefore, the references also fail to support the rejections of claims 2-13, 18, 20-26, 32-43, and 47-53 at least by virtue of their dependence on claims 1, 17, or 31. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 2-13, 47, and 50-53 and allow the claims.

C. Rejections of Claims 16, 29-30, and 46 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 16, 29-30, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Cartier and Lee and further in view of Falcon. Claims 16, 29-30, and 46 depend from claims 1, 17, and 31, respectively. For the reasons set forth above, claims 1, 17, and 31 are distinguishable from the combination of Cartier and Lee. Furthermore, Falcon fails to cure the deficiencies of Cartier and Lee. The

Examiner asserted that Falcon discloses that “the first service is ADSL service and the second service is ISDN service and wherein the type of the first service is one of residential and business ADSL service, and the type of the second service is one of residential and business ISDN service.” (Office Action, p.8.) Like Cartier or Lee, however, Falcon fails to disclose “requesting the calling party to select a first or second service, in response to the determination that the trigger number does not match the predetermined trigger number.” Therefore, the references fail to support the rejections of claims 16, 29-30, and 46 at least by virtue of their dependence on claims 1, 17, or 31. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 16, 29-30, and 46 and allow the claims.

D. Rejections of Claims 27-28 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Cartier in view of Lee and further in view of Fields and/or Aoyama. Claims 27-28 depend from claim 17. For the reasons set forth above, claim 17 is distinguishable from the combination of Cartier and Lee. Furthermore, Fields and Aoyama, taken alone or together, fail to cure the deficiencies of Cartier and Lee. The Examiner asserted that Fields and Aoyama teach “systems of any sort to have the ability to detect when a call or action is real or when it is merely a test.” (Office Action, p.10.) Like Cartier or Lee, however, Fields and Aoyama fail to disclose “requesting the calling party to select a first or second service, in response to the determination that the trigger number does not match the predetermined trigger number.” Therefore, the references fail to support the rejections of claims 27-28 at least by virtue of their

dependence on claim 17. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 27-28 and allow the claims.

E. Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-13, 16-18, 20-43, and 46-53 in condition for allowance. Applicants submit that the proposed amendments of claims 31-43, 46, and 49 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

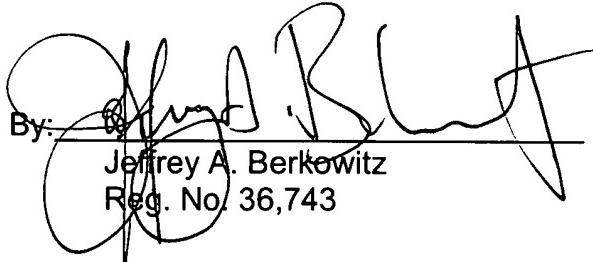
Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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